

INTERNET
FORM NLRB-508
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
16-CB-8114	7-12-2010

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name International Union of Operating Engineers, Local 564, AFL-CIO	b. Union Representative to contact (b) (6), (b) (7)(C)
c. Address (Street, city, state, and ZIP code) 2120 N. Brazosport Blvd., Richwood, TX 77531	d. Tel. No. 979-480-0003
	e. Cell No.
	f. Fax No.
	g. e-Mail (b) (6), (b) (7)(C) local564.com

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1st subsections) (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about June 10, 2010, the International Union of Operating Engineers, Local 564, AFL-CIO, has refused, and continue to refuse, to bargain in good faith with the Employer, by, among other things, refusing to communicate with the Company's spokesperson about scheduling bargaining sessions and by insisting that negotiations be conducted outside normal business hours.

Section 10(j) relief is requested.

3. Name of Employer Shintech, Inc.	4a. Tel. No. 979-233-7861	b. Cell No.
	c. Fax No. 979-230-0605	d. e-Mail

5. Location of plant involved (street, city, state and ZIP code) 5618 East Highway 332, Freeport, Texas 77541	6. Employer representative to contact Steven Rahhal, Attorney
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7. Type of establishment (factory, mine, wholesaler, etc.) Chemical	8. Identify principal product or service PVC	9. Number of workers employed 7
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10. Full name of party filing charge Shintech, Inc.	11a. Tel. No. 979-233-7861	b. Cell No.
	c. Fax No. 979-230-0605	d. e-Mail

11. Address of party filing charge (street, city, state and ZIP code.)
5618 East Highway 332, Freeport, Texas 77541

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By [Signature] July 7/2010 Attorney
(Signature of representative or person making charge) (Print name and title or office, if any)c/o Littler Mendelson, 2001 Ross Avenue, Suite 1500,
Address Dallas, Texas 75201 (date) 7/9/10

Tel. No.	214-880-8108
Cell No.	214-926-3453
Fax No.	214-880-0181
e-Mail	srahhal@littler.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

International Union of Operating Engineers,
Local 564, AFL-CIO (Shintech, Inc.)

CASE 16-CB-8114

DATE OF MAILING
July 12, 2010

AFFIDAVIT OF SERVICE OF CHARGE

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled charge by postpaid mail upon the party listed below:

(b) (6), (b) (7)(C)

International Union of Operating Engineers,
Local 564, AFL-CIO
2120 N. Brazosport Blvd.
Richwood, TX 77531

Subscribed and sworn to before me

July 12, 2010

DESIGNATED AGENT

Lisa M. Gonzalez

NATIONAL LABOR RELATIONS BOARD

CATS Allegation Sheet – LABOR ORGANIZATION

Case Name: International Union of Operating Engineers, Local 564, Case No.: 16-CB-8114
 AFL-CIO
 Board Agent: Jamal M. Allen

Organization campaign in progress?		Yes	X	No
Strike is same unit?		Yes	X	No
Neutrality Agreement		Yes	X	

Check the appropriate action

RD Determination	M = Merit; X = No Merit; D = Defer; A = Advice
A Withdrawal Approval	W = Withdrawn no adjustment; A = Adjusted
Advice Issuance	X = Allegation type submitted to Advice
Complaint Issuance	X = Allegation type in Complaint
Deferral Issuance	X = Allegation type deferred
Dismissal Issuance	D = Dismissed no adjustment; A = Adjusted
Settlement Approval	X = Allegation type settled
ALJD	M = Merit, X = No Merit
Board Decision	M = Merit, X = No Merit

8(b)(1)(A):
Coercive Statements
Denial of Access
Disparagement of Employee
Duty of Fair Representation
Fees, Excessive
Harassment
Hiring Halls
Interrogation
Lawsuits
Other Allegations
Picketing/Strike Actions
Requiring Payments other than dues
Resignation of Membership (<i>Patternmakers</i>)
Rules: Coercive
Surveillance
Threatening Statements
Union Security Related (including <i>Beck</i>)
Violence/Assaults
Waiver of Fees/Dues (<i>Dairy/lea</i>)

8(b)(1)(B):
Fund Contribution Related
Lawsuits
Other Allegations
Statements/Threats
Violence

8(b)(2):
Hiring Hall Related
Lawsuits
Other Allegations
Union Security Related

8(b)(3):
Bad Faith Bargaining (Initial Contract)
Bad Faith Bargaining (Successive Contract)
Failure to Sign Agreement
Notification requirements (Sec. 8(d))
Other Allegations
Refusal to Bargain (Initial Contract)

A	Refusal to Bargain (Successive Contract)
	Refusal to Furnish Information
	Repudiation/Modification of Contract

8(b)(4)(A):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(b)(4)(B):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(b)(4)(C):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(b)(4)(D):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(b)(5):
All Allegations

8(b)(6):
All Allegations

8(b)(7)(A):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(b)(7)(B):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(b)(7)(C):
Actions of Picketers
Handbilling
Language on Picket Sign/Handbill
Law Suits/Grievances
Other Allegations
Reserved Gate Issues
Statements
Time/Place of Picketing

8(e):
All Allegations against an Employer

8(g):
All Allegations



United States Government

**NATIONAL LABOR RELATIONS BOARD
Region 16, Houston Resident Office
1919 Smith Street – Suite 1545
Houston, TX 77002**

Agency Web Site: www.nlr.gov

July 12, 2010

Shintech, Inc.
5618 East Highway 332
Freeport, TX 77541

Re: International Union of Operating
Engineers, Local 564, AFL-CIO (Shintech,
Inc.)
Case No. 16-CB-8114

Board Agent Assigned: Jamal M. Allen
Telephone: (713)209-4879
E-Mail: Jamal.Allen@nlrb.gov

Gentlemen:

Enclosed are a copy of our letter of notification that a charge has been filed and a copy of the charge in the above case.

We are enclosing a form requesting commerce data which we would appreciate your executing and returning to us.

We appreciate your cooperation in this matter

Sincerely,

A handwritten signature in black ink, appearing to read "Martha Kinard", is written over the typed name.

Martha Kinard
Regional Director

Attachments: Charge
Questionnaire on Commerce, Form NLRB-5081



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16, Houston Resident Office
1919 Smith Street – Suite 1545
Houston, TX 77002

Agency Web Site: www.nlrb.gov

July 12, 2010

(b) (6), (b) (7)(C)

International Union of Operating Engineers,
Local 564, AFL-CIO
2120 N. Brazosport Blvd.
Richwood, TX 77531

Re: International Union of Operating
Engineers, Local 564, AFL-CIO (Shintech,
Inc.)
Case No. 16-CB-8114

Board Agent Assigned: Jamal M. Allen
Telephone: (713)209-4879
E-Mail: Jamal.Allen@nlrb.gov

Dear **(b) (6), (b) (7)(C)**:

This is to inform you that a charge, a true copy of which is enclosed, was filed in the above-entitled matter.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

This case has been assigned to the Board agent shown above. When the Board agent solicits relevant evidence from you or your counsel, I request and urge that you or your counsel promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent does not constitute full and complete cooperation. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot

be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies. Please state the case name and number on all correspondence.

Attention is called to your right, and to the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance," Form NLRB-4701, and forward it promptly to this office.

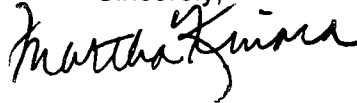
Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

This is to further inform you that, due to the nature of the allegations contained in the enclosed unfair labor practice charge, I have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate. Therefore, during the investigation of the charge the Board Agent, in addition to investigating the merits of the unfair labor practice allegations, will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. **I am requesting that you promptly submit a full and complete written account of the facts, a position paper on the merits of the allegations of the charge, and the appropriateness of Section 10(j) injunctive relief. This should be sent to the Board agent shown above.** If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.¹

¹ La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

Attached is a statement (Form NLRB-4541) briefly setting forth procedures followed in the processing of unfair labor practice charges, which we trust will be helpful to you. Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's Internet site under "Public Notices."

Sincerely,

A handwritten signature in black ink, appearing to read "Martha Kinard", written in a cursive style.

Martha Kinard
Regional Director

Attachments: Charge

Notice of Appearance, Form NLRB 4701

Notice to Parties Involved in an Investigation, Form NLRB-4541

Communications with ... Offices ... by Internet E-Mail

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Union of Operating Engineers, Local 564, AFL-CIO (Shintech, Inc.)

CASE NO. 16-CB-8114

(Check one box only)¹

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: _____
(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

**NOTICE: PARTIES INVOLVED IN AN INVESTIGATION OF AN UNFAIR LABOR
PRACTICE CHARGE SHOULD BE AWARE OF THE FOLLOWING
PROCEDURES:**

Right to be Represented - Any party has the right to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as a representative is chosen.

Attorneys and Service of Documents - *If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Sec. 11842.3(a) of the Casehandling Manual. However, your attorney may consent to have additional documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance.*

Non-Attorney Representatives and Service of Documents - If your representative is not an attorney, you and your representative may receive copies of all documents and correspondence.

Impartial Investigation - Upon receipt of a charge, the Regional Office will conduct an impartial investigation to obtain all material and relevant evidence. Your active cooperation in making witnesses available and stating your position will be most helpful to the Region in determining whether the charge has merit. The Region may also contact and interview other relevant witnesses and parties.

If only the Charging Party cooperates in the investigation, its evidence may warrant issuance of complaint in the absence of the Charged Party's defenses. Thus, the Charged Party is encouraged to fully cooperate and present all available evidence and its defenses. The Region seeks such relevant evidence from all parties to reach an informed determination and help resolve the matter, whether or not the case has merit, at the earliest possible time.

Withdrawal/Dismissal - If the Regional Director determines that the charge lacks merit, the Charging Party is offered the opportunity to withdraw. Should the Charging Party not withdraw the charge, the Regional Director will dismiss the charge and advise the Charging Party of the right to appeal the dismissal to the General Counsel.

Pre-Complaint Voluntary Adjustment - If the Regional Director determines that the charge has merit, all parties are afforded an opportunity to settle the matter by voluntary adjustment. It is our policy to explore and encourage voluntary adjustment before proceeding with costly and time-consuming litigation before the Board and courts.

Complaint and Voluntary Adjustment - If, following the investigation, the Regional Director determines that there is merit to the charge and a voluntary adjustment is not reached, the Regional Director will issue a complaint and notice of hearing. The hearing will be conducted before an administrative law judge who will issue a decision and recommendation to the Board in Washington, D.C. However, issuance of a complaint does not preclude voluntary adjustment by the parties. On the contrary, at any stage of the proceeding the Regional Director and staff will be available to provide any assistance in arriving at an appropriate settlement.

ELECTRONIC FILINGS THROUGH THE AGENCY'S WEBSITE AND EMAIL COMMUNICATION WITH BOARD AGENTS

ELECTRONIC FILING OF DOCUMENTS WITH THE AGENCY: All Regional Offices are in the process of creating an electronic investigative case file that contains electronic copies of all documents in the paper case file. This electronic case file initiative is a central component of the Agency's development of a new case management system called NxGen. When the NxGen system is deployed throughout the Agency, this system will provide parties greater access to public information about pending cases. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) through the Agency's E-Filing system on its website: <http://www.nlr.gov>.

On the home page of the Agency's website, click on the "**E-Gov**" tab, select **E-Filing**, and follow the detailed instructions. The following documents may be filed electronically through the Agency's website:

- Answer to Complaint or Compliance Specification. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a pdf format that includes the signature of the party or its representative, the original answer containing the required signature must be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.
- Appeal Filings to the Office of the General Counsel
- Briefs
- Disclaimer of Interest
- EAJA Applications
- Evidence
- *Excelsior* List
- Exceptions or Cross Exceptions
- Extension of Time Request
- Motions and Oppositions to Motions
- Notice of Appearance
- Objections to an Election
- Petition to Revoke a Subpoena or Response
- Position Statement
- Request for Review
- Request for Special Permission to Appeal
- Request to Proceed
- Withdrawal Request

E-FILINGS MUST BE TIMELY: The Agency will accept electronic filings up to 11:59 p.m. in the time zone of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of Section 102.111 of the Board's Rules and Regulations.

- A document will be considered timely filed if the E-Filing receipt reflects that the entire document was received by the Agency's E-Filing system before midnight local time on the due date. (Midnight is considered the beginning of a new day.) Filings accomplished by any other means such as mail, personal delivery, or facsimile (if allowed), must be received by the close of business in the receiving office on the due date.
- Unlike the Federal Courts, the Agency does not add 3 days to any due date regardless of the manner the document to which the filer is responding was served.
- Although the Agency's E-Filing system is designed to receive filings 24 hours per day, parties are strongly encouraged to file documents in advance of the filing deadline and during the normal business hours of the receiving office, in the event problems are encountered and alternate means of filing become necessary.
- The receiving office's staff will respond to non-technical questions regarding the E-Filing system during normal business hours. For technical problems, please refer to the E-Filing FAQ or send an email to e-filing@nlrb.gov. If you wait until after the close of business to attempt to E-File and encounter problems, no one will be available to assist you.
- **Technical Failure.** If the Agency's E-Filing system is unable to receive documents for a continuous period of more than 2 hours after 12 noon (Eastern Time), the site will be declared to be in technical failure. Notice of the technical failure determination will be posted on the website as soon as possible. Scheduled service, system maintenance or upgrades, or when the system will be unavailable to receive filings, will also be posted. If the system is determined to be in technical failure on the due date for the filing of a document and the failure prohibited a party from E-Filing, the document must be filed by 5:00 p.m. (Eastern Time) on the next business day.
- **User Problems.** Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her peril. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem.
- If a timely, conventional filing is impossible because a user problem developed after close of business on the due date, the user should attempt to E-File using another computer with internet access, such as another computer in the office, a home computer, a computer at a public library, or a computer at a commercial business service center.

ELECTRONIC FILING IS A THREE-STEP PROCESS: Electronic filing is not complete until all three steps of the process are completed: (1) entering your data and uploading your document(s); (2) reviewing and confirming your submission; and (3) receiving your receipt with confirmation number.

PREFERRED DOCUMENT FORMAT IS PDF: The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Agency's E-Filing system more widely available to the public, persons who do not have the

ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (*.txt). Regardless of the format, all documents E-Filed with the Agency must be submitted in a "read-only" state.

DOCUMENTS MUST BE VIRUS-FREE: Users are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

DOCUMENTS MUST BE COMPLETE: Any document submitted electronically to the Agency must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of hardcopy) separately from the electronic document under any circumstances. Exception: Position statements or documentary evidence submitted to a Regional Office during an unfair labor practice investigation or documents relating to appeals pending before the Office of Appeals may be filed as separate attachments.

CERTAIN DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE: All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.114(i) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

OFFICIAL BUSINESS: Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/or their representatives to provide the Regional, Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

<p>Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed</p>
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with the Regional Office through the Agency's website (<http://www.nlr.gov>) as outlined above.

QUESTIONS: Any questions about the Agency's E-filing policies may be directed to an NLRB Information Officer during regular business hours.



United States Government

**NATIONAL LABOR RELATIONS BOARD
Region 16, Houston Resident Office
1919 Smith Street – Suite 1545
Houston, TX 77002**

Agency Web Site: www.nlr.gov

July 12, 2010

Steven Rahhal, Attorney
Littler Mendelson
2001 Ross Avenue
Suite 1500
Dallas, TX 75201

Re: International Union of Operating
Engineers, Local 564, AFL-CIO (Shintech,
Inc.)
Case No. 16-CB-8114

Board Agent Assigned: Jamal M. Allen
Telephone: (713)209-4879
E-Mail: Jamal.Allen@nlrb.gov

Dear Mr. Rahhal:

The investigation of the attached charge you recently filed in the above matter has been assigned to the Board agent listed above and any communication concerning this case should be directed to this Board agent at the above address and telephone number. If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlr.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

The Board agent will be in touch with you soon to request your assistance in the investigation of your charge. Please save any evidence bearing on your charge, such as notes, minutes, letters or check stubs, etc., and have them ready when the Board agent meets with you. It will be helpful for you to jot down a brief factual account of what has happened and for you to prepare a list of the names, addresses, and telephone numbers of potential witnesses, together with a brief summary of what each witness should know, for the use of the Board agent. Further, please be advised that we cannot accept any limitations on the use of any evidence or position

statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies. Please state the case name and number on all correspondence.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance," Form NLRB-4701, and forward it promptly to this office.

You are expected to cooperate with the Board agent in the investigation of your charge. Failure to cooperate may cause your charge to be dismissed.

If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.¹ We are available to assist you in any way possible, and if you have any questions, please call our Board agent. Your cooperation will be appreciated. Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's Internet site under "Public Notices."

Sincerely,


Martha Kinard
Regional Director

¹ La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

Attachments: Charge
Notice of Appearance, Form NLRB 4701
Notice to Parties Involved in an Investigation, Form NLRB-4541
Communications with ... Offices ... by Internet E-Mail

cc: Shintech, Inc.
5618 East Highway 332
Freeport, TX 77541

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Union of Operating Engineers, Local 564, AFL-CIO (Shintech, Inc.)

CASE NO. 16-CB-8114

(Check one box only)¹

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: _____
(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

**NOTICE: PARTIES INVOLVED IN AN INVESTIGATION OF AN UNFAIR LABOR
PRACTICE CHARGE SHOULD BE AWARE OF THE FOLLOWING
PROCEDURES:**

Right to be Represented - Any party has the right to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as a representative is chosen.

Attorneys and Service of Documents - If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Sec. 11842.3(a) of the Casehandling Manual. However, your attorney may consent to have additional documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance.

Non-Attorney Representatives and Service of Documents - If your representative is not an attorney, you and your representative may receive copies of all documents and correspondence.

Impartial Investigation - Upon receipt of a charge, the Regional Office will conduct an impartial investigation to obtain all material and relevant evidence. Your active cooperation in making witnesses available and stating your position will be most helpful to the Region in determining whether the charge has merit. The Region may also contact and interview other relevant witnesses and parties.

If only the Charging Party cooperates in the investigation, its evidence may warrant issuance of complaint in the absence of the Charged Party's defenses. Thus, the Charged Party is encouraged to fully cooperate and present all available evidence and its defenses. The Region seeks such relevant evidence from all parties to reach an informed determination and help resolve the matter, whether or not the case has merit, at the earliest possible time.

Withdrawal/Dismissal - If the Regional Director determines that the charge lacks merit, the Charging Party is offered the opportunity to withdraw. Should the Charging Party not withdraw the charge, the Regional Director will dismiss the charge and advise the Charging Party of the right to appeal the dismissal to the General Counsel.

Pre-Complaint Voluntarily Adjustment - If the Regional Director determines that the charge has merit, all parties are afforded an opportunity to settle the matter by voluntary adjustment. It is our policy to explore and encourage voluntary adjustment before proceeding with costly and time-consuming litigation before the Board and courts.

Complaint and Voluntary Adjustment - If, following the investigation, the Regional Director determines that there is merit to the charge and a voluntary adjustment is not reached, the Regional Director will issue a complaint and notice of hearing. The hearing will be conducted before an administrative law judge who will issue a decision and recommendation to the Board in Washington, D.C. However, issuance of a complaint does not preclude voluntary adjustment by the parties. On the contrary, at any stage of the proceeding the Regional Director and staff will be available to provide any assistance in arriving at an appropriate settlement.

ELECTRONIC FILINGS THROUGH THE AGENCY'S WEBSITE AND EMAIL COMMUNICATION WITH BOARD AGENTS

ELECTRONIC FILING OF DOCUMENTS WITH THE AGENCY: All Regional Offices are in the process of creating an electronic investigative case file that contains electronic copies of all documents in the paper case file. This electronic case file initiative is a central component of the Agency's development of a new case management system called NxGen. When the NxGen system is deployed throughout the Agency, this system will provide parties greater access to public information about pending cases. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) through the Agency's E-Filing system on its website: <http://www.nlr.gov>.

On the home page of the Agency's website, click on the "E-Gov" tab, select **E-Filing**, and follow the detailed instructions. The following documents may be filed electronically through the Agency's website:

- Answer to Complaint or Compliance Specification. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a pdf format that includes the signature of the party or its representative, the original answer containing the required signature must be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.
- Appeal Filings to the Office of the General Counsel
- Briefs
- Disclaimer of Interest
- EAJA Applications
- Evidence
- *Excelsior* List
- Exceptions or Cross Exceptions
- Extension of Time Request
- Motions and Oppositions to Motions
- Notice of Appearance
- Objections to an Election
- Petition to Revoke a Subpoena or Response
- Position Statement
- Request for Review
- Request for Special Permission to Appeal
- Request to Proceed
- Withdrawal Request

E-FILINGS MUST BE TIMELY: The Agency will accept electronic filings up to 11:59 p.m. in the time zone of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of Section 102.111 of the Board's Rules and Regulations.

- A document will be considered timely filed if the E-Filing receipt reflects that the entire document was received by the Agency's E-Filing system before midnight local time on

the due date. (Midnight is considered the beginning of a new day.) Filings accomplished by any other means such as mail, personal delivery, or facsimile (if allowed), must be received by the close of business in the receiving office on the due date.

- Unlike the Federal Courts, the Agency does not add 3 days to any due date regardless of the manner the document to which the filer is responding was served.
- Although the Agency's E-Filing system is designed to receive filings 24 hours per day, parties are strongly encouraged to file documents in advance of the filing deadline and during the normal business hours of the receiving office, in the event problems are encountered and alternate means of filing become necessary.
- The receiving office's staff will respond to non-technical questions regarding the E-Filing system during normal business hours. For technical problems, please refer to the E-Filing FAQ or send an email to e-filing@nlrb.gov. If you wait until after the close of business to attempt to E-File and encounter problems, no one will be available to assist you.
- Technical Failure. If the Agency's E-Filing system is unable to receive documents for a continuous period of more than 2 hours after 12 noon (Eastern Time), the site will be declared to be in technical failure. Notice of the technical failure determination will be posted on the website as soon as possible. Scheduled service, system maintenance or upgrades, or when the system will be unavailable to receive filings, will also be posted. If the system is determined to be in technical failure on the due date for the filing of a document and the failure prohibited a party from E-Filing, the document must be filed by 5:00 p.m. (Eastern Time) on the next business day.
- User Problems. Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her peril. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem.
- If a timely, conventional filing is impossible because a user problem developed after close of business on the due date, the user should attempt to E-File using another computer with internet access, such as another computer in the office, a home computer, a computer at a public library, or a computer at a commercial business service center.

ELECTRONIC FILING IS A THREE-STEP PROCESS: Electronic filing is not complete until all three steps of the process are completed: (1) entering your data and uploading your document(s); (2) reviewing and confirming your submission; and (3) receiving your receipt with confirmation number.

PREFERRED DOCUMENT FORMAT IS PDF: The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Agency's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft

Word format may submit documents in simple text format (*.txt). Regardless of the format, all documents E-Filed with the Agency must be submitted in a "read-only" state.

DOCUMENTS MUST BE VIRUS-FREE: Users are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

DOCUMENTS MUST BE COMPLETE: Any document submitted electronically to the Agency must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of hardcopy) separately from the electronic document under any circumstances. Exception: Position statements or documentary evidence submitted to a Regional Office during an unfair labor practice investigation or documents relating to appeals pending before the Office of Appeals may be filed as separate attachments.

CERTAIN DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE: All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.114(i) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

OFFICIAL BUSINESS: Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/or their representatives to provide the Regional, Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed with the Regional Office through the Agency's website (<http://www.nlr.gov>) as

outlined above.

QUESTIONS: Any questions about the Agency's E-filing policies may be directed to an NLRB Information Officer during regular business hours.



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178
Agency Web Site: www.nlrb.gov

July 28, 2010

(b) (6), (b) (7)(C)

International Union of Operating Engineers
Local 564, AFL-CIO
2120 N. Brazosport Blvd.
Richwood, TX 77531

Re: International Union of Operating Engineers,
Local 564, AFL-CIO (Shintech, Inc.)
Case 16-CB-8114

I am writing this letter to confirm our appointment on Monday, August 9, 2010 to take evidence from you regarding the allegations raised in the investigation of the above-captioned matter, 16-CB-8114. Additionally, this letter confirms our telephone discussion and agreement earlier today to meet at 1:30 p.m. on August 9th for the purpose of taking an affidavit from you in support of the charge you filed against Shintech in Case No. 16-CA-27553.

Allegations: The allegations for which I am seeking your evidence are as follows: Since on or about June 10, 2010, the Union has refused, and continues to refuse to bargain in good faith with the Employer, by among other things, refusing to communicate with the Company's spokesperson about scheduling bargaining session and by insisting that negotiations be conducted outside normal business hours.

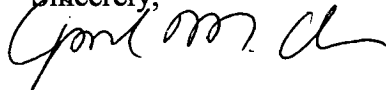
Evidence Sought: Copies of any written correspondence, including emails regarding discussions with the Employer and/or its legal representatives regarding negotiations for a new contract.

Board Affidavits: I am requesting to take affidavits from you and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives, who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge.

Date for Submitting Evidence: In order to resolve this matter as expeditiously as possible, you are requested to present your evidence in this matter on the August 9th day that we have agreed to meet. If I have not received all your evidence by that time it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (713)209-4879 or e-mail Jamal.Allen@nlrb.gov, if you would like to change the date for presenting your evidence or if you need me to answer any questions you have with regard to the issues in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamal M. Allen", written in a cursive style.

Jamal M. Allen
Field Attorney

Approval Requested

INSTRUCTIONS: In formal cases, submit to Washington in duplicate. In informal cases, submit one copy.
(Check appropriate blocks)

[] Formal Compliance [] Informal Compliance [x] Non-Board Settlement [] Compliant Auth by Region [] Complaint Auth by Office of Appeals

CASE NO. (All case nos. starting with key case no.) 16-CB-8114		CASE NAME Shintech			
CLOSING STAGE OF CASE: Check One 1/ Indicate formal document with which compliance was achieved. If "Supplemental" or "Stipulated" indicate		TYPE OF CLOSING: Check One CHECK OF COMPLAINT HAD ISSUED IN CASE []			
DATE FILED 07/12/2010	beside pertinent document. [X] 00 - Pre-Complaint or 10K Notice of Hearing [] 01 - After Complaint or 10K NOH, before Hearing [] 02 - After Hearing Opened, before Hearing Closed [] 03 - After Hearing closed [] 04 - After ALJ Decision [] 05 - After Board Order - Automatic Decision [] 06 - After Board Order - Stipulated Decision [] 07 - After Board Order - Contested Decision [] 08 - After Consent Decree [] 09 - After Contested Decree [] 10 - After Supreme Court Decision 1/ HAD ENFORCEMENT BEEN RECOMMENDED? YES [] DATE NO []		Enter opposite type of agreement date of approval: [] 1 - All Party Written _____ [] 2 - Unilateral Written _____ [] 3 - Oral _____ [X] 4 - Non-Board Adjustment _____ [] 5 - Compliance _____ [] 6 - Part Compliance _____ [] 7 - Non-Compliance _____		
DATE CLOSED (Leave blank if Washington approval of compliance requested.)					
ALLEGATIONS UPHELD OR ADJUSTED EXAMPLE: 8(a)(1)(3), 8(b)(1)(A)(2) 8(b)(3)					
A. REMEDIES INVOLVING REINSTATEMENT, BACKPAY, REIMBURSEMENT (insert pertinent information below)					
1. EMPLOYER REINSTATEMENT Note: Total of items B thru E should equal item A.		2. UNION RESTORATION OF EMPLOYMENT RIGHTS 8(b)(2) (Where not shown in column 1)			
A. NO. TO BE REINSTATED _____ B. NO. REINSTATED _____ C. NO. WAVING REINSTATEMENT BEFORE OFFER _____ (Insert "Reason" under Remarks) D. NO. DECLINING REINSTATEMENT AFTER OFFER _____ (Insert "Reason" under Remarks) E. NO. PLACED ON PREFERENTIAL LIST _____		3. BACKPAY A. NO. TO BE MADE WHOLE _____ B. NO. RECEIVING _____ C. AMOUNT OF BACKPAY: (1) TOTAL AMOUNT DUE _____ 2/ _____ (2) AMOUNT PAID BY COMPANY 3/ _____ (3) AMOUNT PAID BY UNION 3/ _____			
4. FEES, DUES, FINES REFUNDED A. NO. RECEIVING _____ B. TOTAL AMOUNT DUE 2/ _____ C. AMOUNT PAID BY COMPANY 3/ _____ D. AMOUNT PAID BY UNION 3/ _____					
2/ As computed by board agent. (Borderline willful loss issues should not be resolved against claimants.) However, where backpay hearing has been held use amount as determined at latest stage and in "Remarks" or attachment set forth the amount claimed in backpay specification and number for whom claimed. 3/ In formal action cases, if amount paid is less than amount on "Total Amount Due" line explain fully below in "Remarks" or on attachment, where amount is to be paid in installments, explain arrangements.					
B. OTHER REMEDIES CALLING FOR AFFIRMATIVE ACTION					
Check Applicable Provisions		Check or Insert Action Taken			
[] 01 - POST NOTICE (copy attached)		DATE UNION POSTED - DATE COMPANY POSTED			
[] 02 - WITHDRAW ASSISTANCE FROM UNION		LETTER OR NOTICE WITHDRAWING ASSISTANCE []			
[] 04 - DISESTABLISH UNION		LETTER OR NOTICE DISESTABLISHING []			
[] 08 - END PICKETING		DATE ENDED - NO. OF EMPLOYEES RETURNING TO WORK -			
[] 32 - END WORK STOPPAGE		DATE ENDED - NO. OF EMPLOYEES RETURNING TO WORK -			
[x] 16 - BARGAIN		STATUS OF BARGAINING WHEN CASE CLOSED: [X] 1 - IN PROGRESS [] 2 - INITIAL CONTRACT SIGNED [] 3 - SUCCEEDING CONTRACT SIGNED [] 4 - ABANDONED BECAUSE: PLANT CLOSED, MOVED OR SOLD [] 5 - UNION NO LONGER INTERESTED [] 9 - OTHER (explain)			
OTHER REMEDIES (Include affirmative actions required by cease and desist orders, and remarks) The Respondent Union has agreed to bargain directly with the Charging Party's bargaining agent and to an alternating day/night bargaining schedule.					
CONTROL CODE FOR BACKPAY	INSTALLMENT PAYMENTS? [] YES [] NO	COURT COSTS AWARDED? [] YES [] NO	AMOUNT AWARDED \$	AMOUNT COLLECTED \$	CHECK FORWARDED TO FINANCE BRANCH DATE:
HAS RESPONDENT(S) COMPLIED WITH NON-AFFIRMATIVE PROVISIONS? [] YES [] NO		CHARGING PARTY'S POSITION ON COMPLIANCE Satisfied			
SIGNATURE OF					
COMPLIANCE OFFICER/BOARD AGENT Jamal Allen	REGIONAL ATTORNEY		REGIONAL DIRECTOR		DATE OF THIS REPORT



United States Government
NATIONAL LABOR RELATIONS BOARD
REGION 16
Room 8A24, Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102-6178
Agency Web Site: www.nlrb.gov

August 13, 2010

(b) (6), (b) (7)(C)

International Union of Operating
Engineers, Local 564, AFL-CIO
2120 N. Brazosport Blvd.
Richwood, TX 77531

Re: International Union of Operating
Engineers, Local 564, AFL-CIO
(Shintech, Inc.)
Case No. 16-CB-8114

This is to advise that with my approval the charge in the above matter has been withdrawn.

Sincerely,

A handwritten signature in cursive script, reading "Ofelia Gonzalez", is written over the typed name.

Ofelia Gonzalez
Acting Regional Director

cc: Shintech, Inc.
5618 East Highway 332
Freeport, TX 77541

Mr. Steven Rahhal, Attorney
Littler Mendelson
2001 Ross Avenue, Suite 1500
Dallas, TX 75201



United States Government
NATIONAL LABOR RELATIONS BOARD
REGION 16
Room 8A24, Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102-6178
Agency Web Site: www.nlr.gov

August 24, 2022

(b) (6), (b) (7)(C)

International Union of Operating
Engineers, Local 564, AFL-CIO
2120 N. Brazosport Blvd.
Richwood, TX 77531

Re: International Union of Operating
Engineers, Local 564, AFL-CIO
(Shintech, Inc.)
Case No. 16-CB-8114

This is to advise that with my approval the charge in the above matter has been withdrawn.

Sincerely,

Ofelia Gonzalez
Acting Regional Director

cc: Shintech, Inc.
5618 East Highway 332
Freeport, TX 77541

Mr. Steven Rahhal, Attorney
Littler Mendelson
2001 Ross Avenue, Suite 1500
Dallas, TX 75201